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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/028,808	12/21/2001	Charles M. Patton	10013447 -1	3102

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EXAMINER

PWU, JEFFREY C

ART UNIT PAPER NUMBER

2143

DATE MAILED: 01/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/028,808

Applicant(s)

PATTON ET AL

Examiner

Jeffrey C. Pwu

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10/4/05 Election.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 16-27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>3/20/02; 5/15/03</u>  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Election***

1. Applicant's election without traverse of group I, claims 1-15 in the reply filed on 10/04/05 is acknowledged.

Claims 16-27 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected group, there being no allowable generic or linking claim.

### ***Title***

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Lea (U.S. 6,052,750).

Lea teaches claims:

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1. A device avatar system for providing at least one electronic service for a first physical electronic device associated with a first device avatar using at least one channel of electronic communication (740), the system comprising:

an avatar hosting infrastructure (HAVI architecture - "Home Audio Video Interoperability" architecture), having disposed therein at least the first device avatar, for providing an encapsulated autonomous system for facilitating communication between the first device avatar and the first physical electronic device; (col.16, lines 35-60)

the first device avatar, coupled to receive at least communications from a first controller, for providing the at least one electronic service to the first physical electronic device; (DCM (Device Control Module) Configuration and Functions – col.16, line 37-col.17, line 67)

the first controller (DCM), coupled to the first device avatar, for an owner of the associated physical electronic device to implement the at least one electronic service for the first physical electronic device; and (col.16, line 37-col.17, line 67)

the first physical electronic device, coupled to the first device avatar, for operating in a predetermined fashion in accordance with the at least one electronic service. (col.16, line 37-col.17, line 67)

2. The system of claim 1 wherein the first physical electronic device is coupled to the first device avatar via the Internet. (1702; also see fig.17)

3. The system of claim 1 further including a second device avatar, coupled to a second physical electronic device and to receive communications from a second controller, for providing an

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electronic service associated with the second physical electronic device to the first physical electronic device. (Claim 1 of Lea)

4. The system of claim 1 wherein the first physical electronic device is one of: a camera, a scanner, measurement equipment, a personal digital assistant, and a computer. (14, 20, 22, 24)

5. The system of claim 3 wherein the second physical electronic device is one of: a printer and a display screen. (16, 18; col.17, lines 1-10)

6. The system of claim 1 wherein the avatar hosting infrastructure is an independent electronic data processing apparatus. (col.16, line 37-col.17, line 67)

7. The system of claim 1 wherein the avatar hosting infrastructure includes secured partitions for each physical electronic device within an electronic data processing apparatus. (col.10, lines15-26)

8. The system of claim 1 wherein communications are one of: bi-directional, outbound unidirectional from the avatar hosting infrastructure, and inbound unidirectional to the avatar hosting infrastructure. (740)

9. An avatar hosting infrastructure for providing at least one of a plurality of electronic services logically and substantially permanently associated with a first remote electronic device wherein

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the at least one of the plurality of electronic services is operated on behalf of the first remote electronic device, comprising: an electronic data processing apparatus having a first device avatar that is coupled to a first control unit and to the first remote electronic device, wherein the first device avatar includes at least a first memory coupled to a first processor that implements the at least one of the plurality of electronic services on behalf of the first remote electronic device in accordance with signals from the first control unit. (col.16, lines 35-60)

10. The avatar hosting infrastructure of claim 9 wherein the first remote electronic device is coupled to the first device avatar via the Internet. (1702; also see fig.17)

11. The avatar hosting infrastructure of claim 9 wherein the electronic data processing apparatus further includes a second device avatar, coupled to a second remote electronic device and to receive communications from a second control unit, for providing an electronic service associated with the second remote electronic device to the first remote electronic device. (Claim 1 of Lea)

12. The avatar hosting infrastructure of claim 9 wherein the first remote electronic device is one of: a camera, a scanner, measurement equipment, a personal digital assistant, and a computer. (14, 20, 22, 24)

13. The avatar hosting infrastructure of claim 11 wherein the second remote electronic device is one of: a printer and a display screen. (16, 18; col.17, lines 1-10)

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14. The avatar hosting infrastructure of claim 11 wherein the avatar hosting infrastructure includes secured partitions for each remote electronic device within the electronic data processing apparatus. (col.10, lines15-26)

15. The avatar hosting infrastructure of claim 1 wherein the electronic services are implemented in one of the following directions: bi-directional, outbound unidirectional from the avatar hosting infrastructure, and inbound unidirectional to the avatar hosting infrastructure. (740)

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey C. Pwu whose telephone number is 571-272-6798.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



12/24/05

**JEFFREY PWU**  
**PRIMARY EXAMINER**